

## Coast Guard, DHS

## § 115.10

in effect until the final agency action is taken.

(33 U.S.C. 401, 491, 525, 535; 49 CFR 1.46(c) (8), (9), (10), (q))

[CGD 76-144, 42 FR 28882, June 6, 1977]

### § 114.50 Right of appeal.

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to the Administrator, Office of Bridge Programs, (CG-BRG), 2100 2nd St., SW., Stop 7683, Washington, DC 20593-7683, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.

(5 U.S.C. 559; 14 U.S.C. 633; 33 U.S.C. 401, 491, 499, and 525; and 49 CFR 1.46(c) and (q))

[CGD 80-099, 46 FR 38354, July 27, 1981, as amended by CGD 88-052, 53 FR 25120, July 1, 1988; CGD 96-026, 61 FR 33663, June 28, 1996; CGD 97-023, 62 FR 33363, June 19, 1997; USCG-2008-0179, 73 FR 35012, June 19, 2008; USCG-2010-0351, 75 FR 36283, June 25, 2010; USCG-2010-0351, 75 FR 49410, Aug. 13, 2010; USCG-2012-0306, 77 FR 37314, June 21, 2012; USCG-2013-0397, 78 FR 39174, July 1, 2013]

## PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

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AUTHORITY: c. 425, sec. 9, 30 Stat. 1151 (33 U.S.C. 401); c. 1130, sec. 1, 34 Stat. 84 (33 U.S.C. 491); sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 11, 54 Stat. 501, as amended (33 U.S.C. 521); c. 753, Title V, sec. 502, 60 Stat. 847, as amended (33 U.S.C. 525); 86 Stat. 732 (33 U.S.C. 535); 14 U.S.C. 633.

SOURCE: CGFR 67-46, 32 FR 17771, Dec. 12, 1967, unless otherwise noted.

### § 115.01 Purpose.

This part states the requirements for applying for a permit to construct or modify bridges crossing the navigable waters of the United States. It also sets forth the procedures by which the application is processed by the Coast Guard.

[CGD 82-006, 47 FR 36641, Aug. 23, 1982, as amended by USCG-2012-0306, 77 FR 37314, June 21, 2012]

### § 115.05 Necessary primary authority.

For bridges constructed by State or municipal agencies, the primary authority will be presumed without proof. If the law of the State requires a license for or approval of the bridge from a constituted State agency, a copy of such license or approval will be required and may be accepted as evidence of the primary authority. If there is no State regulation of bridges in navigable waters, the necessary primary authority may be that granted in the charter of a corporation, or the authority inherent in the ownership of the land on which the structure is placed. The applicant will in such cases be required to furnish an extract from the charter, or a statement of ownership. Special care will be taken that Federal approval is not granted when there is doubt of the right of the applicant to construct and utilize the bridge.

[CGFR 67-46, 32 FR 17771, Dec. 12, 1967, as amended by USCG-2011-0257, 76 FR 31836, June 2, 2011; USCG-2012-0306, 77 FR 37314, June 21, 2012]

### § 115.10 Limiting date in permits.

(a) Specific time limitations are inserted in all permits for the commencement of construction and completion thereof. Normally three years for start of construction and two additional years for completion may be allowed.

(b) Specific time limitations are inserted in all permits for the removal of bridges being replaced in whole or in part by the newly permitted bridges where removal thereof is required as a condition of the permit. Normally 90 days for removal after completion of the new bridge or opening to land